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~~CONFIDENTIAL~~

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 13-CR-181-RMW
	)	
Plaintiff,	)	STIPULATION TO CONTINUE
	)	SENTENCING HEARING and
v.	)	[ ] ORDER
	)	
RICHARD M. ANELLO,	)	
	)	
Defendant.	)	

Defendant Richard M. Anello entered a guilty plea before this Court on April 22, 2013. The Court scheduled a sentencing hearing for July 29, 2013, which was subsequently continued to November 4, 2013. For the reasons that follow, the parties now stipulate and request that this Court continue the sentencing hearing for three months, to February 3, 2014, or a date around that time that is convenient for the Court.

The terms of Mr. Anello's plea agreement require him to cooperate with the United States Attorney's Office. Specifically, Mr. Anello is cooperating in the case United States v. Brenda Kibbee, 12-00701-DLJ, which is currently pending in this district. A further status hearing is scheduled in United States v. Kibbee for October 31, 2013. At this time, the government does not know whether the case against Ms. Kibbee will proceed to trial or will result in a guilty plea. Therefore, it is not known whether Mr. Anello will be called to testify in that matter as part of his cooperation. In any event, as Mr. Anello's plea agreement contemplates that his sentencing will be continued until his cooperation has been completed, the parties hereby jointly request that the

1 sentencing hearing be continued from November 4, 2013 to February, 3, 2014. As the February  
2 3, 2014 date approaches, if Mr. Anello's cooperation is still not completed, the parties anticipate  
3 seeking a further continuance on the sentencing hearing.

4 A proposed Order is attached.

5  
6 SO STIPULATED:

7  
8 MELINDA HAAG  
9 United States Attorney

10 DATED: 10/11/2013

11 s/ Matthew J. Kluge  
12 MATTHEW J. KLUGE  
13 Trial Attorney

14 Attorneys for the United States

15 DATED: 10/10/2013

16 s/ Basil Boutris  
17 BASIL BOUTRIS  
18 Attorney for Richard M. Anello  
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Plaintiff,	)	[ ] ORDER
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v.	)	
	)	
RICHARD M. ANELLO,	)	
	)	
Defendant.	)	
	)	

Pursuant to the parties' stipulation, and for good cause shown therein, the Court finds that a continuance of the sentencing hearing in this matter is warranted.

IT IS ORDERED that the sentencing hearing, currently scheduled for November 4, 2013, is continued to February 3, 2014 at 9:00 a.m.

DATED: FFB, 2013

  
 Hon. RONALD M. WHYTE  
 United States District Judge